

HUMAN RESOURCES DELEGATIONS OF AUTHORITY

**Title 38 Human Resources Authorities Which Apply to Employees Appointed Under Title 5
(15s and Below)**

DELEGATIONS OF AUTHORITY as of 12/23/04	LEVELS OF DELEGATION AUTHORIZED				REDELEGATION AUTHORIZED NO; YES-TO WHOM	RESTRICTIONS/ COMMENTS	OHR DIVISION RESPONSIBLE
	OPM/OGC/ HHS OFFICIAL	OD NIH OFFICIAL	OHR NIH OFFICIAL	IC OFFICIAL			
TITLE 38 PHYSICIAN SPECIAL PAY (PSP)							Client Services Division (CSD) Sharon Quinn
1. To establish Title 38 PSP regulations and procedures		Dir, NIH			NO		
2. To establish uniform HHS Length of Service rates		Dir, NIH			NO		
3. To establish nationwide Scarce Medical Specialty ranges for a specialty or sub-specialty, and review such rates on an annual basis		Dir, NIH			NO		
4. To designate the specialties or sub-specialties for payment of Board Certification Pay		Dir, NIH			NO		
5. To establish Scarce Medical Specialty pay for a specific facility or facilities and review such rates on an annual basis		Dir, NIH			NO	After collaboration with other HHS OPDIVs having facilities in the same geographic area.	
6. To establish Geographic Location Pay for a specific category or categories of physicians and review such rates on an annual basis		Dir, NIH			NO	After collaboration with other HHS OPDIVs having facilities in the same geographic	

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						area.	
7. To approve requests for exceptions to the uniform payment of Geographic Location Pay.		Dir, NIH			NO		
8. To determine the categories of NIH physicians or positions that will be considered for payment of PSP		Dir, NIH			NO		
9. To approve initial requests for PSP for individual NIH employees when total compensation is: > GS-15/10 (DC locality) OR when discretionary pay increases are > \$30,000 within the preceding 52-week period		Dir, NIH DDM, NIH			NO	Concurrence of DDIR, NIH, is required. ICs must submit requests for approval through Special Programs Team (SPT),CSD, OHR, 31/1C39	
10. To approve initial requests for PSP for individual NIH employees when the total compensation is: ≤ GS-15/10 (DC locality) AND provided discretionary pay increases are ≤ \$30,000 within the preceding 52-week period		Dir, NIH DDM, NIH	Dir, OHR	IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise this authority in accordance with law, regulation, and written policy PROVIDED the IC Director retains accountability	Concurrence of DDIR, NIH, is required. ICs must forward a copy of the approved case to SPT. CSD, OHR 31/1C39 within ten days of approval for post-audit.	

11. To approve PSP renewal requests ≤ \$30,000 when total compensation is: ≤ GS-15/10 (DC locality) AND - re-submission was not a condition of the last approval,		DDIR, NIH DDM, NIH	DIR, OHR	IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise this authority in accordance with law, regulation, and written policy PROVIDED the IC Director retains accountability		
12. To approve renewal requests when there is no change in the rate or amount of PSP discretionary pay factors		Dir, NIH DDM, NIH	Dir, OHR	IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise this authority in accordance with law, regulation, and written policy PROVIDED the IC Director retains accountability	ICs must reduce discretionary pay increases when total compensation would exceed \$200,000	
13. To approve requests for waiver of repayment of the prorata amount of PSP for failure to complete service agreements		Dir, NIH DDM, NIH			NO	ICs must submit requests for approval through SPT, CSD, OHR, 31/1C39	
TITLE 38 PREMIUM PAY							CSD Sharon Quinn
The following authorities apply to positions/occupations covered by the NIH statutory authority (42 USC[284c](b) for nurses and allied health professionals.							
1. To approve NIH Title 38 premium pay		Dir, NIH	Dir, OHR		NO		

policy and coverage							
2. To approve an increase to the percentage rate of one or more premium pays when less than 75 percent of covered individuals are employed by the Clinical Center		Dir, NIH	Dir, OHR		NO	Covers employees throughout the NIH Requires the concurrence of other ICs affected by the change	
3. To approve an increase to the percentage rate of one or more premium pays when more than 75 percent of covered individuals are employed by the Clinical Center		Dir, NIH		Dir, CC	NO	Covers employees throughout the NIH Requires the concurrence of Dir, OHR and other ICs affected by the change	
4. To approve overtime work to be performed by an employee, including work at an alternative worksite when less than 75 percent of covered individuals are employed by the Clinical Center		Dir, NIH	Dir, OHR		NO	Covers employees throughout the NIH Requires the concurrence of other ICs affected by the change	
5. To approve overtime work to be performed by an employee, including work at an alternative worksite when more than 75 percent of covered individuals are employed by the Clinical Center		Dir, NIH		Dir, CC	NO	Covers employees throughout the NIH Requires the concurrence of	

						Dir, OHR and other ICs affected by the change	
6. To approve exceptions to the GS-15 step 10, biweekly maximum earnings limitation under designated emergency circumstances		Dir, NIH	Dir, OHR		NO	Prior written concurrence must be obtained from the Director, OHR	
TITLE 38 SPECIAL SALARY RATES							CSD Sharon Quinn
The following authorities apply to positions/occupations covered by the NIH statutory authority (42 USC[284c](b) for nurses and allied health professionals.							
1. To establish overall policy and operational parameters for the Title 38 special salary rate program under the NIH authority for nurses and allied health professionals		Dir, NIH			NO	Covers employees throughout the NIH	
2. To approve the establishment of new Title 38 special pay rates		Dir, NIH DDM, NIH	Dir, OHR		NO		
3. To approve increases to existing Title 38 special salary rates that are not coincident with and/or are greater than the percent of GS increase under 5 USC 5303 and/or the Hospital Employment Cost Index (ECI)		Dir, NIH			NO	Covers employees throughout the NIH	
4. To approve increases in existing Title 38 special salary rate authorizations when less than 75 percent of the individuals covered are employed by the Clinical Center and: -the increases are coincident with and less than or equal to the percent of the GS increase under 5 USC 5303; -the increases are less than or equal to the annualized percent of increase in the		Dir, NIH	Dir, OHR		NO	Covers employees throughout the NIH Requires the concurrence of other ICs affected by the change	

Hospital Employment Cost Index (ECI)							
5. To approve increases in existing Title 38 special salary rate authorizations when more than 75 percent of the individuals covered are employed by the Clinical Center and: -the increases are coincident with and less than or equal to the percent of the GS increase under 5 USC 5303; -the increases are less than or equal to the annualized percent of increase in the Hospital Employment Cost Index (ECI)		Dir, NIH		Dir, CC	NO	Covers employees throughout the NIH Requires the concurrence of the Dir, OHR and other ICs affected by the change	

PAY-RELATED DEFINITIONS

Salary is the annual rate of basic pay, and locality pay, if any, paid on a regular basis for the position to which the employee is appointed. It does not include additional cash benefits.

Discretionary Pays include Cash awards and Performance Bonuses; Recruitment and Relocation Bonuses and Retention Allowances (3Rs) or Recruitment and Retention incentives (2Rs); Physicians Comparability Allowance (PCA); Physicians Special Pay (PSP); Salary Increases Based on Performance; SES Performance Awards; SES Rank Awards; Quality Step Increases

Total compensation means the employee's salary plus discretionary increases - i.e., the employee's total annual rate of earnings from his/her current position.